

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Octavia L. Killion,

File No. 22-cv-1795 (ECT/JFD)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Shakopee, Women Prison,

Defendant.

Magistrate Judge John F. Docherty issued a Report and Recommendation on January 6, 2023. ECF No. 29. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based on all the files, records, and proceedings in this case, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 29] is **ACCEPTED**.
2. This case is **DISMISSED WITHOUT PREJUDICE** as follows:
 - a. The federal-law claims are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b).
 - b. The state-law claims are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.
3. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs [ECF No. 2] is **DENIED**.
4. Plaintiff's Motion for Relief [ECF No. 6] is **DENIED**.

5. Plaintiff is directed to pay the unpaid balance (\$267.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court is directed to provide notice of this requirement to the authorities at the institution where Plaintiff is confined.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 22, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court